IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.6024 of 2005
Date of Decision:20.04.2007

Mukand Singh **.....Petitioner**

Vs.

Managing Director, Pepsu Road Transport Corporation, Patiala and another **.....Respondents**

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. R.S.Chauhan, Advocate for the petitioner.

Mr. Jagdish Marwaha, Advocate for the respondents.

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JUDGMENT

M.M.KUMAR, J.

The petitioner, who is a retired employee of the Pepsu Road Transport Corporation, has filed the instant petition under Article 226 of the Constitution of India for quashing order dated 19.6.2002 and 30.7.2002 (Annexures P-3 and P-4) whereby the pay of the petitioner has been re-fixed, as well as the order dated 2.6.2003 (Annexure P.5), whereby respondent No.1 has ordered recovery after his retirement. The petitioner has asserted that due to the aforementioned action of the respondents his pension has been reduced. Further relief has been sought directing the respondents to re-fix/restore the pay of the petitioner to the level he was drawing earlier and the same be brought at par with that of his junior Duni Chand and thereafter to release all retrial and benefits viz. Commuted value of pension, gratuity, monthly pension, DCRG etc. by calculating the same on the basis of his actual last pay drawn. The petitioner has also claimed that all arrears of pay/retiral benefits may be released to him with interest @ 18% per annum.

After hearing learned counsel for the parties and perusing the record with their assistance we find that for the reliefs claimed in the instant petition, the petitioner has already represented to the respondents and subsequently a legal notice dated 6.8.2004 (P-7) was also served upon the respondents. The aforementioned legal notice has not been decided by the respondents by passing a speaking order.

In view of above, without going into the merits of the case, we deem it just and appropriate to direct the respondents to take cognizance of the legal notice (Annexures P-7) sent by the petitioner and decide the same expeditiously preferably within a period of two months from the date a certified copy of this order is presented to them. It shall be appreciated if a speaking order is passed. If the claim of the petitioner is found to be meritorious and decided in his favour then all the benefits be released to him forthwith.

The writ petition stands disposed of in the above terms.

(M.M.KUMAR)
JUDGE

April 20, 2007 **(RAJESH BINDAL)**
renu **JUDGE**